

REMARKS

Upon entry of the present amendment, claims 1-3, 5-7, 9-11, 13-14, and 16-19 remain in the application, of which claims 1, 5, 9 and 16-19 are independent.

The applicant gratefully acknowledges indication by the Examiner that claims 1-3, 9-11, 13, 14, and 16-19 are allowed.

After careful consideration of the objections and rejections set forth in the Office Action, applicant respectfully submits that as amended herein, claims 5-7 patentably distinguish over the art of record, and requests allowance of all pending claims, as discussed further below.

Claim rejections under 35 USC 102

In the above-identified Office Action, the Examiner rejected claims 5-7 under 35 USC 102(b) as anticipated by Yamada et al., published U.S. patent application 2001/0000052. The Examiner stated that in his view, Yamada et al. disclose a personal watercraft 10 with an access port structure for a personal watercraft with at least one opening 166 formed in a sidewall and being aligned with a steering shaft (FIGS. 1 and 2).

The applicant respectfully disagrees with this rejection. Yamada discloses a personal watercraft including a deck structure with multiple covered storage areas formed therein. However, the opening 166 formed in the deck structure of Yamada, which is considered by the Examiner to meet the limitations of this claim, is not formed in the side wall of the distended portion. In the Yamada reference, the opening covered by the lid 166 is not formed in the deck of the structure disclosed in Yamada, but rather, is formed within a separate container 142 installed in the deck structure of Yamada, so as to create an opening in an interior side wall of the deck. The applicant disagrees with the Examiner's rejection, and with his reading of the teachings of the references.

However, in the interests of expediting prosecution of this application, the applicant has further amended independent claim 5 herein, to more clearly distinguish the applicant's claimed invention from the disclosure of the prior art. Specifically, in claims 5, the access port structure is recited to comprise at least one opening formed in an exterior side wall of the distended portion. The applicant has further amended claim 5 to positively claim the lid as an element of the claimed structure, and to specify that the access port structure is configured such that the steering shaft is accessible upon removal of said lid from said opening in said exterior side wall.

Applicant has also amended claim 5 to remove the words "in a fore-and-aft direction", as this language is considered non-essential to patentability, and therefore unduly restrictive.

The applicant respectfully submits that the subject matter of claim 5, as currently amended, is not taught, suggested, or disclosed in the prior art, since, as noted, the opening covered by the lid 166 is not formed in the exterior side wall of the distended portion of the deck disclosed in Yamada. Rather, it is formed within a container 142 formed in the deck structure of Yamada so as to create an opening in an interior side wall of the deck. Claims 5-7 are now in condition for allowance.

Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination.

Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of all of the pending claims.

If the Examiner is not fully convinced of the allowability of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

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Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to the United States Patent and Trademark Office on December 24, 2004.

WDB/kmm

